

*Jennifer Louise Jenkins, Administrator ad Litem of the Estate of Sterling L. Higgins
v. Obion County, Tennessee, et al.*

No. 20-cv-01056 STA-atc

Declaration of Edwin S. Budge

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
AT JACKSON**

JENNIFER LOUISE JENKINS,) No. 1:20-cv-01056-STA-dvk
Administrator <i>ad Litem</i> of the)
ESTATE OF STERLING L. HIGGINS,)
)
Plaintiff,)
)
v.)
)
OBION COUNTY, TENNESSEE,)
UNION CITY, TENNESSEE,)
ROBERT THOMAS ORSBORNE,)
individually, MARY BROGLLIN,)
individually, WAYLON SPAULDING,)
individually, and BRENDON SANFORD,)
individually,)
)
Defendants)
)
)
)

PLAINTIFF'S INITIAL DISCLOSURES

Plaintiff, by and through counsel, hereby submits the following Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1):

A. Individuals Likely to Have Discoverable Information

The following individuals may have discoverable information concerning this case:

Individual Defendants and Others Employed by Entity Defendants
Obion County and Union City, Tennessee

The individual defendants named in the complaint and other officers and/or employees of Obion County and/or Union City are likely to have discoverable information about the allegations in the complaint, including information about the facts and circumstances leading up to and surrounding the death of Sterling Higgins. This includes, but is not limited to, information about the facts and

circumstances surrounding the events at Pockets Market before his arrest, his arrest and transportation to the Obion County Jail, and the events occurring at the jail leading up to and surrounding his death. These individuals may also have information relevant to Plaintiff's *Monell* claims, including but not limited to issues regarding training, staffing, policies, and patterns and customs as alleged in Plaintiff's complaint. These individuals, all of whom are mentioned in the files and records of the Tennessee Bureau of Investigation (TBI Bates Nos. 1-430), include:

- Defendant Waylon Spaulding, c/o William B. Mauldin and Nathan D. Tilly, Pentacost, Glenn & Mauldin, PLLC 162 Murray Guard Drive, Suite B, Jackson, TN 38305.
- Defendant Brendon Sanford, c/o William B. Mauldin and Nathan D. Tilly, Pentacost, Glenn & Mauldin, PLLC 162 Murray Guard Drive, Suite B, Jackson, TN 38305.
- Defendant Mary Brogglin, c/o William B. Mauldin and Nathan D. Tilly, Pentacost, Glenn & Mauldin, PLLC 162 Murray Guard Drive, Suite B, Jackson, TN 38305.
- Defendant Robert Thomas Osborne, c/o John D. Burleson and Dale Conder, Jr., Rainey, Kizer, Reviere & Bell, PLLC, 209 E. Main St., PO Box 1147, Jackson, TN 38302-1147.
- Stormy Travis. Employee of Obion County Sheriff's Department, 1 Law Ln., Union City, TN 38261. 731-885-5832.

Responding Medical Personnel

Medical personnel responding to the Obion County Jail and/or transporting him to the hospital are believed to have knowledge about the condition of Mr. Higgins and the scene upon their arrival and their efforts to render aid to Mr. Higgins, and may also have information about things conveyed to them by others at the scene. These individuals are believed to include members of the Union City Tennessee Fire Department, including Ethan Rudd and Corey Jones c/o Union City Fire Department, 111 N. Fifth St., Union City, TN 38261, 731-885-3911. They also include members of Baptist Ambulance Service:

Richard Brentley Farrar, Gabriel Lindsey and William Scobey, Baptist Ambulance Service, 9595 Macon Rd., Cordova, TN 38016. 901-222-4600.

Medical Examiners/Pathologists

Medical examiners/pathologists involved in the post-mortem investigation and/or autopsy are believed to have knowledge and information about the condition of Mr. Higgins following his death, including but not limited to examination of his body, toxicology, and other circumstances relating to his death obtained post-mortem. These individuals include Kirk Stone, M.D., Obion County Medical Examiner, Office of the State Chief Medical Examiner, 710 James Robertson Pkwy., Nashville, TN 37243. 1-844-860-4511. They also include Paul Benson, M.D., William Sago, M.D., Marco Ross, M.D., and certifying scientist William M. Schroeder, M.S. West Tennessee Regional Forensic Center, Office of the Medical Examiner, 637 Poplar Ave., Memphis, TN 38105-4510, 901-222-4600.

Baptist Hospital Medical Personnel

Personnel at Baptist Hospital, including Robert Dale Turner, M.D. and Anna Rogers, R.N., have knowledge about Mr. Higgins condition at the hospital post-mortem. Baptist Memorial Hospital, 1201 Bishop St., Union City, TN 38261-5866. 731-885-2410.

Tennessee Bureau of Investigation Agents

Agents of the TBI involved in the investigation into the facts and circumstances leading up to and surrounding the death of Sterling Higgins are believed to have knowledge of their investigation and information obtained as a result thereof, including their interviews of witnesses, photographs, scene documentation, obtaining videos and other investigatory materials and other information contained in TBI Investigative File Bates Nos. 1-430. These individuals include Justin Tubbs, Mark Lewis and Rebekah Nelson Burke, c/o Tennessee Bureau of Investigations, 901 R.S. Gass Blvd., Nashville, TN 37216. 615-744-4000.

District Attorney General

Thomas A. Thomas, District Attorney General, may have information about the investigation into the death of Mr. Higgins. 121 West Main St., Dresden, TN 38225. 731-364-5513.

Obion County Sheriff

Obion County Sheriff, Karl Jackson, is believed to have information relevant to Plaintiff's *Monell* claims, including but not limited to issues regarding training, staffing, policies and practices, and patterns and customs as alleged in Plaintiff's complaint. He may also have information obtained from others about the underlying events and circumstances leading up to and surrounding Mr. Higgins's death, post-incident measures, budget information, and/or other information relevant to liability. Obion County Sheriff. 1 Law Ln., Union City, TN 38261. 731-885-5832.

Union City Police Chief

Union City Police Chief, Perry Barfield, is believed to have knowledge about information communicated to him from Sgt. Talmadge Simmons and possibly others concerning the underlying events as alleged in the complaint. He is also believed to have information relevant to Plaintiff's *Monell* claims, including but not limited to issues regarding training, staffing, policies and practices, and patterns and customs as alleged in Plaintiff's complaint. Union City Police Department 221 Harrison St., Union City, TN 38261. 731-885-1515.

Union City Police Sergeant

Union City Police Sergeant Talmadge Simmons has knowledge about events preceding Mr. Higgins's arrest at Pockets Market, and is also believed to have knowledge about information communicated to him from Defendant Osborne at or near the time of Mr. Higgins's death and possibly thereafter, as well as information relating to the scene near the time of Mr. Higgins's death. He may also have information relevant to Plaintiff's *Monell* claims, including but not limited to issues regarding training, staffing, policies and practices, and patterns and customs as alleged in Plaintiff's complaint. He may also have information obtained from others about the underlying events and circumstances leading

up to and surrounding Mr. Higgins's death, post-incident measures, budget information, and/or other information relevant to liability. Union City Police Department 221 Harrison St., Union City, TN 38261. 731-885-1515.

Union City Police Department Investigator

Union City Police Department Investigator Stan Haskins retrieved certain security video footage from Pockets Market and may have had other investigative responsibilities relating to the underlying events. Union City Police Department 221 Harrison St., Union City, TN 38261. 731-885-1515.

Custodian of Dispatch Records

Sherri Fisher Hanna, Executive Director, Obion County Emergency Communications District is believed to have custody over dispatches and recordings related to the underlying events as well as the events occurring relating to officers' contacts with Mr. Higgins at Pockets Market. Obion County Emergency Communications District. 426 S. Home St., Union City, TN 38261. 731-885-3316.

Individuals at Pockets Market

Individuals present at Pockets Market, located at 1605 W. Reelfoot Ave., Union City, TN, at or before the time of Mr. Higgins's arrest (both with regard to the first and second dispatches) may have knowledge about the events occurring there, symptoms displayed by Mr. Higgins, the responding officers' observations and contacts with Mr. Higgins, and similar information. These individuals include Kelly Lynn Frazier (address and telephone number unknown), Jessica Forrest Hobbs (believed to be an employee of Pockets Market whose address and telephone number are unknown), Keshia Ann Hammonds (believed to be a patron of Pockets Market whose address and telephone number are unknown) and Union City Police Officers Talmaledge Simmons (identified above) and Scott Duncan c/o Union City Police Department 221 Harrison St., Union City, TN 38261. 731-885-1515.

Individual Union City and/or Obion County Employees, Agents or Officers Whose Precise Identity is Not Currently Known

Union City and/or Obion County employees, agents or officers whose precise identity is not currently known may have knowledge about information relayed to them by the individual defendants or others concerning the underlying events. Such persons may also have knowledge relevant to Plaintiff's *Monell* claims, including but not limited to issues regarding training, staffing, policies and practices, and patterns and customs as alleged in Plaintiff's complaint.

Former Arrestees, Detainees and Inmates

Former arrestees, detainees and inmates, whose identity is not currently known, may have knowledge relevant to Plaintiffs' *Monell* claims including prior incidents of force, denials of medical care, or other similar knowledge relating to patterns and customs relevant to *Monell* liability.

Persons to Be Identified by the Defense in Response to Discovery

Discovery has been issued to defendants seeking the identification of various people who may have knowledge relevant to this case. That discovery is presently outstanding. All persons identified in response to the outstanding discovery requests are potential witnesses in this matter. In particular, on June 15, 2020, Plaintiffs issued Plaintiffs' June 15, 2020 Discovery Requests to Obion County, seeking the identity of the name and last known contact information of every person employed by Obion County between June 15, 2015 and the date of the discovery request, whose primary responsibilities consisted of working at the Obion County Jail and whose employment has since ended. Persons identified in response to this discovery requests, and persons identified in response to Individual Defendants' answers to Interrogatories 1, 2, and 4 and persons identified in response to Entity Defendants' answers to Interrogatories 1, 2, 3, 4 and 5 may be potential witnesses in this matter. Documents produced by defendants may also contain the identity of witnesses in this matter. Any of the individuals so identified may have knowledge supportive of Plaintiffs' *Monell* claims, the underlying events, or other allegations in the complaint. Plaintiffs have given the Obion County Defendants an extension until August 3, 2020

to answer these outstanding discovery requests and direct all defendants to the identity of such individuals when the identity of such individuals is revealed as potential witnesses in this matter.

Estate Administrator and Mothers of the Decedent's Minor Children

- Jennifer Jenkins, mother of Gabriella Higgins. c/o Attorneys for Plaintiff as identified below. Ms. Jenkins has knowledge relevant to damages claimed on behalf of her minor daughter with Mr. Higgins.
- Bree Blalock, mother of Marlee Blalock. c/o Attorneys for Plaintiff as identified below. Ms. Blalock has knowledge relevant to damages claimed by her minor daughter with Mr. Higgins.

Retained Experts

Plaintiff's expert witnesses will be disclosed according to the case schedule set by the court, and upon disclosure should be considered witnesses in this matter.

B. Documents

The following is a general description by category of documents that may be relevant to this case that Plaintiff's counsel presently has in their possession, custody and control that may be used to support the claims in this case:

- Tennessee Bureau of Investigations File Bates Nos. 1-430, which include, *inter alia*, witness interviews, witness statements, hospital records, medical records from first responders, scene photographs, autopsy report and associated documents, investigatory records and notes, training and employment records, and other materials gathered in the course of the TBI investigation.
- Videos, including body-cam videos from Pockets Market, and multiple surveillance videos from the Obion County Jail.

C. Damages

Plaintiff seeks the following categories of damages against defendants as specified in the complaint:

General Compensatory Damages: Plaintiff seeks general compensatory damages for damages to the decedent for his mental and physical pain and suffering and the loss of the value of his life and damages to any eligible surviving family members for their loss of the decedent. These damages are not capable of mathematical computation. Plaintiff's counsel is experienced in handling other cases involving in-custody deaths in jails and prisons, as well as numerous excessive force cases, and expects that the facts in this case will justify a multimillion-dollar award in general damages. Plaintiff notes that lost future earnings will not be sought by the estate.

Punitive Damages: Plaintiff seeks punitive damages against all individual defendants. Again, these damages are not capable of mathematical computation. Plaintiff's counsel expects that the facts in this case will justify a multimillion-dollar punitive damages award in accordance with the punishment and deterrence policies of the federal civil rights laws at issue.

Attorneys' Fees and Costs: Plaintiff's counsel anticipates that recoverable attorneys' fees and costs in this case, through the end of a jury trial, will be in the range of \$500,000 to \$1.5 million.

Dated this 25th day of June 2020.

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s/ Edwin S. Budge

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CERTIFICATE OF SERVICE

The undersigned certifies that on the date stated below, this document was sent via email to the attorneys for the defendants, as identified below:

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DATED this 25th day of June, 2020.

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